

COMMITTEE ON BILLS ON SECOND READING

June 2, 2003

**Aldermen Wihby, Sysyn, DeVries,
Smith, Forest**

6:00 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Sysyn, DeVries, Smith, Forest

Messrs: Robert MacKenzie, Daniel Callahan

Chairman Wihby stated we are going to take Item 5 first.

Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include land identified as Tax Map 756, Lot 12 and Tax Map 756, Lot 14 currently zoned B-2 (General Business), R-1B (Residential One Family) and R-SM (Residential Suburban Multi-Family) in the area of South Willow Street and South Porter Street.”

Chairman Wihby stated we had a public hearing and I think we only had two speakers, all speaking in favor of it. Planning staff recommendation.

Robert MacKenzie stated we have no particular issues with it. We think it's suitable as commercial development. The only thing we would suggest is at some point we're hoping the applicant will work with us when they come to the Planning Board to protect the tree line adjacent to the residential area. There is an existing tree line we think is important to protect those residential areas.

Chairman Wihby stated but I thought we heard them say they wouldn't.

Mr. MacKenzie replied they had mentioned it at the hearing and I was just speaking with the attorney and they expressed willingness to work with us.

Alderman Smith moved that the Ordinance out to pass. Alderman Sysyn duly seconded the motion.

Dan Callahan, 505 River Road, stated I'm from Devine Millimet & Branch, 111 Amherst Street, representing the applicant. Just so we're clear, on the notice that went out, I mentioned it last week that this rezoning is substantially all of Map 756, Lot 14. There's just this little yellow piece that we own that's going to stay in the R-SM zone and that's because we're going to ultimately convey that to the neighbor that is encroaching. So the notice I think is clearly sufficient because it gives everybody notice of what we intend to do but when you adopt this that little parcel A should say R-SM. Second point is on what Bob had asked earlier. The existing tree line is along...this is where the residential property line would be. There are trees here, and then there's another tree, and there are hills here. We are committed to working with Planning staff during site plan review to deal with the buffer issues and those issues. We recognize that as an issue and intend to work with the City with regard to that. It's my understanding that...or there will be a small building we're proposing here, a used car sales office. The Hummer dealership will be located in this area and then its test track will be located behind that. There will be some requirement to work on to the hill and do some work there, but I'm sure that we can address the issues with regard to the tree line. Our engineer Mr. Rhodes is here and can probably confirm that as well. The question is working with the site plan to work to address the buffer with the trees and we're committed to dealing with that.

Deputy City Clerk Johnson asked Mr. Chairman could I just clarify something with Mr. MacKenzie? Is what he presented just now, were there any changes to what was initially presented? Because if we do we want to make sure we have that. It appeared that he was trying to make a line over there. I just want to make sure.

Mr. MacKenzie replied no. He was just trying to be clear on the record that there was a boundary change, but I think the description recognized that property boundary change.

Deputy City Clerk Johnson asked in the original documents they submitted?

Mr. MacKenzie answered yes.

Attorney Callahan stated just so we're clear. The exhibit 1, the petition, describes the lot zone to take in what will be the new property line. That hasn't been created...it's right here. The existing property line is all the way here, so the yellow area is staying R-SM.

Deputy City Clerk Johnson replied all right, thank you.

Alderman Forest stated I have a question. Is that that 40 foot or that 4 foot line you were talking about at the Aldermanic meeting the other night?

Attorney Callahan answered correct. This yellow piece is 30 feet in width. It runs the length of the apartment complex building. As we talked about this corner of the apartment building right here encroaches onto the Dobles property, so in order to resolve that as part of the site plan and review process we have filed today, I believe, an application to consolidate these lots all together and then to subdivide this yellow piece out. The yellow piece is currently zoned R-SM. We are asking that it stay R-SM so that it's part of, when it's conveyed to the apartment building, it's all one zone, and that is how we described it originally in our application.

Chairman Wihby called the question and it passed with Alderman Forest abstaining.

Chairman Wihby addressed Item 3 of the agenda:

Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by adding a new Arena Overlay Zoning District.”

Mr. MacKenzie stated we have over the last few months spoke with a number of the property owners and we did meet with one group of the property owners and there were several concerns expressed. Although I would still reiterate that a majority of the owners are interested in the changes that we're proposing and are going to be supportive of the City's actions in that area. I didn't know if you wanted me to go through these six items quickly?

Chairman Wihby stated I know there's a lot of people that said they had some concerns with this. There are still some concerns?

Mr. MacKenzie answered there were several people south of Valley Street that did not want to be in there. There was two that wanted to be and three that didn't want to be, south of Valley Street. We did decide to cut back the proposed area so it did not include anything south of Valley Street.

Chairman Wihby asked and everybody else north of Valley Street are fine?

Mr. MacKenzie replied there were only two concerns that I was aware of north of Valley Street and those weren't on rezoning their property, those were on some of the specifics of the language, which we have tried to address.

Alderman Forest stated Bob I had some concerns when you presented this the last time and I know there were people here for the hearing. And the concern that I had is a lot of the things you're eliminating in this are already there. Like the auto body shops and the dental lab and all of that. Have you talked to these people? I know Bill Aubin was quite concerned because of his glass company and I'm trying to think, I can't remember all of the names of the people that I know of in that place that run auto body shops or auto repair shops. Have you gotten together with them and...?

Mr. MacKenzie answered most of the concern with the auto body shops was south of Valley Street. There were three particular owners. There was an owner, one owner to the north of Valley that had an auto body shop. This particular Ordinance does not prohibit them from operating a business though. They would be a grand-fathered use, they would still be able to continue indefinitely, and in fact they would be able to expand...

Alderman Forest interjected but I'm not talking south of Valley, I'm talking north of Valley between Valley and Auburn.

Mr. MacKenzie answered yes. There's one...

Alderman Forest interjected I wish I could remember his name, anyway. There's one right near the ambulance place. There's two further up, there's one right on Elm Street and those are the four that I know of and I believe there's a couple more in there, plus Bill Aubin's glass shop. And this new rezoning prohibits them.

Mr. MacKenzie replied the glass shop is not prohibited, so that one is not an issue. The auto body shops, there could be no future auto body shops in that area, but any ones in that area would be grand-fathered and it would not be affected.

On a motion of Alderman DeVries, duly seconded by Alderman Sysyn, it was voted that the Ordinance ought to pass.

Chairman Wihby addressed Item 4 of the agenda:

4. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the Central Business District zone (CBD) into an area currently zoned Redevelopment (RDV) in the area known as Singer Park generally bounded by the Merrimack River on the west, the end of South Commercial Street on the north, the B&M rail yard on the east and the Goffstown Branch of the B&M (also known as the Trestle Bridge) on the south.”

Chairman Wihby asked Carol on Item 4 did we take that up?

City Clerk Leo Bernier answered yes.

Chairman Wihby asked it's already been done by the Board?

City Clerk Bernier answered that's correct.

Chairman Wihby asked and Item 5 we just did and tabled items, either Items 6 or 7. Does anybody want to take anything off the table?

TABLED ITEMS

6. Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

The item remained on the table.

7. Ordinance Amendments:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 600 feet from each other and not less than 500 feet from a Residential or Civic Zone.”

The item remained on the table.

There being no further business to come before the Committee, on a motion of Alderman Forest, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee